THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION Nos.9196; 8488; 10913; 6368 OF 1997; 30648; 31553; 33521 OF 1998; 19996; 19813 OF 2000 & 11696 OF 2001

COMMON ORAL ORDER:

These writ petitions are filed with a common prayer to declare that the patta granted in favour of the 4th respondent-Temple in respect of the land situated in different survey numbers in Vepagunta village, Pendurthy mandal, Visakhapatnam district, is *ultra vires* the procedure contemplated under the Andhra Pradesh (Andhra Area) Inams (Abolition and conversion into Ryotwari) Act, 1956 (for short "the Act").

Though various grounds have been raised in the writ petitions on merits, it is to be noted that a batch of writ petitions, being W.P.No.18339 of 2000 and etc., directed against the very same notification impugned in these writ petitions, was dismissed by this Court by order dated 30.10.2000. Aggrieved by the same, the petitioners therein filed W.A.No.1650 of 2000 and etc., which was dismissed by a Division Bench by Judgment dated 31.12.2001 holding as under:

> "The orders impugned in the writ petitions are appealable orders under Section 7(2) of the Andhra Pradesh (Andhra Area) Inams (Abolition and conversion into Ryotwari) Act, 1956.
>
> After hearing the learned counsel for the parties for considerable time, we do not find any extraordinary situation of circumstance, which could justify this Court to entertain the writ petition and pronounce opinion on the merits of the case.
>
> In that view of the matter and for the reasons stated in the judgment of this court in **P.V. Surender Babu v. Prohibition & Excise Superintendent, Chittoor & Others** (1) (1998(5) ALD 549), we dismiss these appeals, reserving liberty to the appellants herein to prefer appeals against the orders impugned in the writ petitions. We further direct that if such appeals are preferred before the appropriate appellate authority within a period of six weeks from the date of receipt of a copy of this order, the appellate authority, shall decide

> the appeals on merits without going into the question and without being influenced by any of the observations made in the order of the learned single Judge. No costs."

The learned Counsel for the 4th respondent-Temple submitted that since the issues involved in these writ petitions are squarely covered by the above orders, all the writ petitions are liable to be dismissed.

However, the learned counsel for the petitioners while placing reliance upon the decisions of the Supreme Court in **A.V. Venkateswaran, Collector of Customs, Bombay v. Ramchand Subhraj Wadhwani and another**[1] and **M/s Baburam Prakash Chandra Maheshwari v. Antarim Zila Parishad now Zila Parishad, Muzaffarnagar**[2], vehemently contended that availability of alternative remedy is not a bar to grant relief under Article 226 of the Constitution of India, since patta granted in favour of the 4th respondent-Temple dated 29-5-1996 was without notice to the petitioners whose occupation is not in dispute as per the entries made in the Revenue Records.

The very same contention was raised by the petitioners in the earlier batch of writ petitions and the same was not accepted by this Court observing that public notification issued under Section 3 (2) of the Act was sufficient compliance.

Hence, I am unable to agree with the submission of the learned Counsel for the petitioners that these writ petitions require adjudication on merits notwithstanding the alternative remedy of appeal available under the Act.

Accordingly, following the judgment of the Division Bench in W.A.No.1650 of 2000 and etc. dated 31-12-2001, all these writ petitions are disposed granting liberty to the petitioners herein to prefer appeals against the orders impugned in the writ petitions. If such appeals are preferred before the appellate authority within a period of six weeks from the date of receipt of a copy of this order, the appellate

authority shall entertain the appeals and decide the same on merits without being influenced by any of the observations made in the order in the earlier batch of writ petitions, as expeditiously as possible, preferably within a period of six months from the date of presentation of such appeals. No costs.

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(G. ROHINI).

28th February, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION Nos.9196; 8488; 10913; 6368 OF 1997; 30648; 31553; 33521 OF 1998; 19996; 19813 OF 2000 & 11696 OF 2001

28th February, 2007.

W.P.No.9196 of 1997:

Between:

Balla Somi Naidu and others. .. Petitioners.

And

The Commissioner, Survey, Settlement and Land Records, Government of Andhra Pradesh, Abids, Hyderabad and others. .. Respondents.

W.P.No.8488 of 1997:

Between:

Smt. Bheemarasetti Punnaga Kalyani and another. .. Petitioners.

And

The Commissioner, Survey, Settlement and Land Records, Government of Andhra Pradesh, Abids, Hyderabad and others. .. Respondents.

W.P.No.10913 of 1997:

Between:

Rapeti Satyanarayana and others. .. Petitioners.

And

The Commissioner, Survey, Settlement and Land Records, Government of Andhra Pradesh, Abids, Hyderabad and others. .. Respondents.

W.P.No.6368 of 1997:

Between:

Karri Paidi Raju and another. .. Petitioners.

And

The Commissioner, Survey, Settlement and
Land Records, Government of Andhra Pradesh,
Abids, Hyderabad and others. .. Respondents.

W.P.No.30648 of 1998:

Between:

Peethala Tata Rao and others. .. Petitioners.

And

The Commissioner, Survey, Settlement and
Land Records, Government of Andhra Pradesh,
Abids, Hyderabad and others. .. Respondents.

W.P.No.31553 of 1998:

Between:

Dukkipati Swarajya Lakshmi and others. .. Petitioners.

And

The Commissioner, Survey, Settlement and
Land Records, Government of Andhra Pradesh,
Abids, Hyderabad and others. .. Respondents.

W.P.No.33521 of 1998:

Between:

Smt. I. Satyavathamma. .. Petitioner.

And

The Commissioner, Survey, Settlement and
Land Records, Government of Andhra Pradesh,
Abids, Hyderabad and others. .. Respondents.

W.P.No.19813 of 2000:

Between:

T. Gopala Rao and another. .. Petitioners.

And

Government of Andhra Pradesh of Andhra Pradesh,
represented by Secretary, Revenue
Department, Secretariat, Hyderabad and others. ..
Respondents.

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W.P.No.19996 of 2001:

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Between:

Vidyanagar Samkshema Sangham,
Vepagunta, Visakhapatnam,
Regd.No.1142/1996, represented by its
President – P. Vijaya Raju. .. Petitioner.

And

Government of Andhra Pradesh of Andhra Pradesh,
represented by Secretary, Revenue
Department, Secretariat, Hyderabad and others. .. Respondents.

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[1] AIR 1961 SC 1506;

[2] AIR 1969 SC 556.